

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

JEFFREY B. SCIALLO, et al.,  
Plaintiffs,  
v.  
TYCO INTERNATIONAL LTD., et al.,  
Defendants.

Civ. No. 03-1354-B

MDL No. 02-1335

**AGREED ORDER AND  
FINAL JUDGMENT OF  
DISMISSAL AGAINST  
DEFENDANTS TYCO  
INTERNATIONAL LTD. AND  
MARK A. BELNICK AND  
BAR ORDER**

**AGREED ORDER AND FINAL JUDGMENT OF DISMISSAL AGAINST  
DEFENDANTS TYCO INTERNATIONAL LTD.  
AND MARK A. BELNICK AND BAR ORDER**

Plaintiffs Jeffrey B. Sciallo, Joseph Scherpf and H. Pamela Komenda, and Defendants Tyco International Ltd. and Mark A. Belnick (each of them a “Settling Party” and collectively, the “Settling Parties”), having represented to the Court that they have entered into a settlement agreement that resolves all issues between and among them in the Amended Complaint, and for good cause shown, the Court ORDERS:

1. Pursuant to Section 21D-4(f)(7)(A) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(f)(7)(A): (a) Defendants L. Dennis Kozlowski and Mark H. Swartz (collectively, the “Non-Settling Defendants”), and each of them, are hereby permanently barred, enjoined, and restrained from commencing, prosecuting, or asserting any claim for or otherwise seeking contribution against any Settling Party based upon, relating to, or arising out of the subject matter, allegations, transactions, facts, matters, occurrences, representations or omissions alleged, involved, set forth or referred to in the Amended Complaint in this suit; and

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(b) each Settling Party is hereby permanently barred, enjoined, and restrained from commencing, prosecuting, or asserting any claim for or otherwise seeking contribution for any amount paid in connection with this action against any other person based upon, relating to, or arising out of the subject matter, allegations, transactions, facts, matters, occurrences, representations or omissions alleged, involved, set forth or referred to in the Amended Complaint in the suit.

2. Because there is no just reason for delaying the entry of a final judgment with respect to the claims asserted by Plaintiffs against the Settling Parties, all claims asserted by Plaintiffs against the Settling Parties in the Amended Complaint are DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 54(b). This action is not dismissed with respect to any claims against the Non-Settling Defendants.

3. The Clerk is directed to enter this Agreed Order and Final Judgment of Dismissal against Defendants Tyco International Ltd. and Mark A. Belnick and Bar Order as a final judgment and send a copy of same to all counsel of record.

IT IS SO ORDERED.

Enter: December 29, 2008

/s/ Paul J. Barbadoro

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The Hon. Paul Barbadoro  
United States District Judge

We ask for this:

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**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing were served this date on the attached Service List through ECF or by mail for those on the list who do not have an ECF Registration.

/s/ Edward A. Haffer  
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